

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL NO. 3:11-Cv-544-FDW
(3:07-Cr-7-FDW)

CHARLES LEON LAMB,
Plaintiff)
v.)
UNITED STATES OF AMERICA,
Defendant)

ORDER


UPON MOTION OF THE DEFENDANT Charles Leon Lamb (Doc. No. 1 in this case & Docs. No. 29 & 30 in 3:07-Cr-7) and without opposition from the UNITED STATES OF AMERICA, the conviction of the Defendant is hereby VACATED. Because the United States waived the one-year statute of limitations on section 2255 motions, the Fourth Circuit's decision in United States v. Simmons, 649 F.3d 237 (4th Cir. 2011)(en banc), retroactively applies to the Defendant.

THEREFORE, Defendant's motion is GRANTED.

AND THEREFORE, because the Defendant's conviction is vacated, his sentence is also VACATED, and he is ORDERED released from the custody of the United States Bureau of the Prisons and/or the United States Marshals Service.

The Clerk of Court will certify copies of this Order to the United States Bureau of the Prisons and the United States Marshals Service.

Signed: September 10, 2012


Frank D. Whitney
United States District Judge

